

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

**MILLENNIUM MULTIPLE EMPLOYER
WELFARE BENEFIT PLAN,

DEBTOR.**

**CASE NO. 10-13528

(CHAPTER 11)**

CLAUDE YOUNG, et al.,

Plaintiffs,

v.

**THE MILLENNIUM MULTIPLE
EMPLOYER WELFARE BENEFIT PLAN,
et al.,**

Defendants.

ADVERSARY NO. 10-01176

**PLAINTIFFS' UNOPPOSED MOTION FOR ORDER GRANTING
VOLUNTARY DISMISSAL OF CERTAIN DEFENDANTS AND PLAINTIFFS'
MOTION FOR VOLUNTARY DISMISSAL OF CONSPIRACY CLAIM**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs respectfully ask the Court for an Order granting voluntary dismissal of Plaintiffs' claims against Defendant The Millennium Multiple Employee Welfare Benefit Plan. This Defendant does not oppose Plaintiffs' request for dismissal.

Pursuant to Federal Rule of Civil Procedure 41(a)(2) Plaintiffs further ask this Court for an Order voluntarily dismissing Plaintiffs' Cause of Action for Conspiracy against all defendants.

Even though this is a voluntary dismissal, under Rule 41 the dismissal can only be accomplished by order of this Court because certain defendants have already filed Answers in this action.

Respectfully submitted,

/s/ Anthony L. Vitullo

Anthony L. Vitullo
State Bar No. 20595500
FEE, SMITH, SHARP & VITULLO, LLP
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 75240
(972) 934-9100 Telephone
(972) 934-9200 Facsimile
lvitullo@feesmith.com

John L. Malesovas
State Bar No. 12857300
MALESOVAS LAW FIRM
816 Congress Avenue, Suite 1265
Austin, Texas 78701
(512) 708-1777 Telephone
(512) 708-1779 Facsimile
john@malesovas.com

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. Bankruptcy Court, Western District of Oklahoma, using the electronic case filing system of the Court. The electronic filing system sent a "Notice of Electronic Filing" to attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice was electronically mailed to the following parties:

Regan Strickland Beatty on behalf of Defendant American General Life Insurance Company
beattyr@crowedunlevy.com, donna.hinkle@crowedunlevy.com;
kerryann.wagoner@crowedunlevy.com; ecf@crowedunlevy.com

Brandee L Bruening on behalf of Defendant American General Life Insurance Company
brandee.bruening@crowedunlevy.com, ecf@crowedunlevy.com;
jody.moore@crowedunlevy.com

Joseph A Friedman on behalf of Defendant Aviva Life and Annuity Company fka Indianapolis Life Insurance Company, an Iowa Insurance Corporation
ecf@krcl.com, jfriedman@krcl.com

G. Rudy Hiersche on behalf of Defendant Ridge Insurance, Inc.
rudy@hlfokc.com, robin@hlfokc.com

William H. Hoch on behalf of Defendant American General Life Insurance Company
hochw@crowedunlevy.com, donna.hinkle@crowedunlevy.com;
kerryann.wagoner@crowedunlevy.com; ecf@crowedunlevy.com

R Keith Johnston on behalf of Defendant Indianapolis Life Insurance Company
kjohnston@wbsvlaw.com, mvaughan@wbsvlaw.com; dskeens@wbsvlaw.com;
jstenson@wbsvlaw.com; mwoods@wbsvlaw.com

John Justin Johnston on behalf of Defendant David Cline
jjohnston@whmlaw.net, bwalters@whmlaw.net; juliebaswell@whmlaw.net

Fred A. Leibrock on behalf of Defendant Republic Bank & Trust
faleibrock@phillipsmurrah.com, knogle@phillipsmurrah.com; ecf@phillipsmurrah.com

Erin K Lovall on behalf of Defendant Millennium Multiple Employer Welfare Benefit Plan
elovall@fslhlaw.com, pfranklin@fslhlaw.com; dsickerski@fslhlaw.com; mholmes@fslhlaw.com

John L. Malesovas on behalf of Plaintiff A & S Masonry, Inc. dba D & R Masonry
john@malesovas.com, marisela@malesovas.com

Robert B Millner on behalf of Defendant American General Life Insurance Company
robert.millner@snrdenton.com

G. Blaine Schwabe on behalf of Defendant Millennium Multiple Employer Welfare Benefit Plan
gschwabe@mswerb.com, swilliams@mswerb.com

Anthony L. Vitullo on behalf of Plaintiff A & S Masonry, Inc. dba D & R Masonry
lvitullo@feesmith.com,
wlyon@feesmith.com; mspurgeon@feesmith.com; lrichards@feesmith.com

Jeffery K Work on behalf of Defendant Wilshire-Pennington Group, Inc.
jwork@gordonrees.com, lroberts@gordonrees.com; prodriguez@gordonrees.com

James R Wyrsh on behalf of Defendant David Cline
jimwyrsh@whmlaw.net, bwalters@whmlaw.net; juliebaswell@whmlaw.net

Additionally, a true and correct copy of the foregoing pleading was sent to the following parties in this proceeding by first class mail.

American United Life Insurance Company
One American Square
P.O. Box 368
Indianapolis, IN 00368

Glenn Arons
c/o La Toyia Pierce
Henslee Schwartz, LLP
6688 N. Central Expy.
Suite 850
Dallas, TX 75206

Lee E. Bains
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203

Kathleen Barrow
c/o Jackson Lewis, LLP
1415 Louisiana Street
Suite 3325
Houston, TX 77396

Colin R. Batchelor
1717 Main Street, Suite 5400
Dallas, TX 75201

Tony Bonanno
c/o LaToyia Watkins Pierce
6688 N. Central Expressway, Ste 850
Dallas, TX 75206

Robert Alan Bragalone
2100 Ross Avenue
Suite 2800
Dallas, TX 75201

Craig Brinker
6688 N Central Expressway
Suite 850
Dallas, TX 75206

Jennifer O'Hara Calvin
6688 N. Central Expressway
Suite 850
Dallas, TX 75206

Karan Cummings Ciotti
Ogden Gibson Broocks Longoria & Hall
711 Louisiana St
1900 Pennzoil South Tower
Houston, TX 77002

David A Clark
1300 Post Oak Blvd.
Suite 2500
Houston, TX 77056

Jonathan Cocks
3205 Walker Drive
Richardson, TX 75082

Larry Cress
c/o Dale Ossip Johnson
The Johnson Firm
P.O. Box 427
Cedar Park, TX 78630-0427

Julia Ann Dobbins
777 Main St.
Suite 3800
Fort Worth, TX 76102

John Duvall
1431 Bayshore Drive
Kemah, Texas 77565

David Esman
c/o Joe Sibley
Camara & Sibley, LLP
2339 University Blvd.
Houston, TX 77005

Jay Kurtis Gray
4514 Travis Sstreet, Ste 300
Dallas, TX 75205

Stephen C Jackson
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203

Hunter Brandon Jones
777 Main Street, Suite 3800
Fort Worth, TX 76102

Larry E. Kelly
5400 Bosque Blvd., Ste 301
Waco, TX 76710

Thomas A Labuda
233 S Wacker Drive
Suite 7800
Chicago, IL 60606

Glenn Russell LeMay
1900 West Loop South
Suite 1000
Houston, TX 77027

Michael P. Massad
1201 Elm Street
Suite 5400
Dallas, TX 75270

Medalist LLC
c/o David R. Woodward
Cobb Martinez Woodward, PLLC
1700 Pacific Avenue
Suite 4545
Dallas, TX 75201

Medalist Marketing Group, LLC
c/o David R. Woodward
Cobb Martinez Woodward, PLLC
1700 Pacific Avenue
Suite 4545
Dallas, TX 75201

Timothy Moore
2603 Augusta Drive
Suite 1100
Houston, TX 77057

Alison H. Moore
Thompson Coe Cousins & Irons, LLP
700 N. Pearl Street, 25th Floor
Dallas, TX 75202

R. Timothy Muth
1000 North Water Street
Suite 1700
Milwaukee, WI 53202

Timothy ORourke
14303 Golf View Trail
Houston, TX 77059

Kathleen Peer
15 Church Street
Stuyvesant, NY 12173

Shawn W. Phelan
700 N. Pearl, 25th Floor
Dallas, TX 75201

LaToyia Watkins Pierce
6688 N. Central Expressway, Ste 850
Dallas, TX 75206

Matthew G. Pletcher
1300 Post Oak Boulevard, Ste 2500
Houston, TX 77056

Private Consulting Group, Inc.
c/o Thomas G. Nicholson
Finneran & Nicholson, PC
30 Green Street
Newburyport, MA 01950

Jo Christine Reed
1221 Avenue of the Americas
New York, NY 10020

SecurePlan Administrators, LLC
c/o Fred A. Leibrock
Phillips Murrah, PC
101 N. Robinson
Oklahoma City, OK 73102

David M Skeens
Walters Bender Strohbehn & Vaughan
1100 Main Street
Suite 2500 City Center Square
PO Box 26188
Kansas City, MO 64196

Doug Skierski
10501 N Central Expressway
Suite 106
Dallas, TX 75231

Greg Smith
c/o Gary S. Kessler
2100 Ross Avenue
Suite 750
Dallas, TX 75201

Smith Financial Group LLC
c/o Gary S. Kessler
2100 Ross Avenue, Suite 750
Dallas, TX 75201

TR Moore & Company, PC
2603 Augusta Drive
Suite 1100
Houston, TX 77057

The Wellington Group LLC
c/o LaToyia Watkins Pierce
6688 N. Central Expressway, Ste 850
Dallas, TX 75206

James Michael Vaughan
1100 Main Street
Suite 2500 City Center Square
Kansas City, MO 64105

/s/ Anthony L. Vitullo
Attorney for Plaintiffs